

## REMARKS

The Office Action dated December 18, 2007 has been received and carefully considered. Reconsideration of the outstanding rejection in the present application is respectfully requested based on the following remarks.

### **Allowability of Claims**

The Applicant notes with appreciation the indication in the Office Action that claims 4-6, 11-13, and 17-20 recite allowable subject matter. Applicant has elected to forego rewriting the claims as suggested in view of the following remarks.

### **The Office's Requirement of an "Advantage" Under 35 U.S.C. Section 103 Is Improper**

In order to establish a prima facie case of obviousness, the Office must establish that the cited art, individually or in combination, discloses or suggests each and every element of a claim. However, in its rejections of claims 1-3, 7-10, and 14-16 under 35 U.S.C. § 103(a), the Office acknowledges that the cited references, individually and in combination, fail to disclose or suggest at least one element of each of the rejected claims. Thus, rather than establishing a prima facie case of obviousness, the Office asserts that the claims are rejected because the Office "does not see the advantage" of each of these elements missing from the disclosures of the cited references. *Office Action*, p. 2, 3, 5. Applicant respectfully submits that there is no requirement under 35 U.S.C. § 103 that a claim have a particular advantage over cited art. The Office cites no other support for its requirement that the Applicant demonstrate the advantage of a particular claim element missing from the prior art. Applicant respectfully submits that the Office's implied requirement of an "advantage" under Section 103 is improper, and requests withdrawal of the Section 103 rejections premised on this requirement.

### **Obviousness Rejection of Claims 1-3, 7-10, 14, 15, and 16**

At page 4 of the Office Action, claims 1-3, 7, 14, and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Baird (US 6,204,787) in view of Nonoyama et al (US 6,529,015). At page 4 of the Office Action, claims 8 and 15 are rejected under 35 U.S.C. §

103(a) as being unpatentable over Baird and Nonoyama et al., as applied to claim 1 above, and further in view of Ferguson, Jr., et al. (US 6,040,793). At page 8 of the Office Action, claims 9 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Baird in view of Nonoyama et al., and further in view of Bazarjani et al. (US 6,005,506). At page 11 of the Office Action, claims 1 and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ferguson, Jr., et al. in view of Nonoyama et al. These rejections are hereby respectfully traversed.

Claim 1, from which claims 2-3, 7, and 8 depend, recites “a second set of switches coupled between the pair of capacitors and the integrator input, the second set of switches configured to transfer the first charge and a second charge to the integrator input during a second phase, the second charge proportional to the DC offset component and based on a voltage applied in series with the pair of capacitors during the second phase.” Claim 9, from which claims 10, 14, and 15 depend, recites “a second set of switches coupled to the pair of capacitors, the second set of switches configured to transfer the first charge and a second charge to the integrator input during a second phase, the second charge proportional to the DC offset component and based on a voltage applied in series with the pair of capacitors during the second phase.” Claim 16 recites “during the second phase, transferring a sum charge via the pair of capacitors to inputs of a first integrator in a series of integrators in a sigma delta converter, the sum charge including the reference charge and the DC offset correction charge.” As acknowledged at pages 5, 9, and 12 of the Office Action, the cited references, individually and in combination do not disclose or suggest these recited elements of claims, 1, 9, and 16. Accordingly, the Office bases the Section 103 rejections on its inability to see an advantage to these claimed features. As explained above, this is not a proper basis for a Section 103 rejection. In particular, the Office’s implicit requirement that Applicant set forth an advantage of the claimed features is unsupported by the law. Withdrawal of the Section 103 rejections and reconsideration of the claims is respectfully requested.

## **Conclusion**

The Applicant respectfully submits that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is

respectfully requested to contact the undersigned by telephone at the below listed telephone number in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

The Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayment, to Deposit Account Number 50-3797.

Respectfully submitted,

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Date